



MEMO ENDORSED

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June 2, 2017

VIA E-MAIL

Katherine Polk Failla
United States District Judge
40 Foley Square, Room 2103
New York, NY 10007

Re: *Car Charging Group, Inc., et al. v. Gerzanych, et al.*, Index No. 13 Civ. 8755 (KPF)
-and-
***Gerzanych et al. v. Car Charging Group, Inc. et al.*, Index No. 15 Civ. 423 (KPF)**

Dear Judge Failla:

My firm represented the Defendants in the first above-captioned matter, Index No. 13 Civ. 8755 (the "8755 Case"), and the Plaintiffs in the second above-captioned matter, Index No. 15 Civ. 423 (the "423 Case").

Your Honor entered an Order of Discontinuance, dated January 26, 2016, in the 8755 Case (copy attached). That Order was entered based on the parties' representation that their disputes had been resolved. The 8755 Case is now listed as "closed" on the Court's docket.

The 423 Case was formerly an adversary proceeding filed in the United States Bankruptcy Court for the Central District of California, and involved the same parties as the 8775 case. The proceeding was transferred to the Southern District of New York, and assigned to Your Honor as a related case to the 8775 Case on January 21, 2015.

It was the parties' intention that the 423 Case be discontinued as part of their settlement, but the parties inadvertently failed to communicate that intention to Your Honor, and the case is listed as "open" on the Court's docket. Accordingly, my firm's former clients have asked me to respectfully request that Your Honor enter an Order dismissing the 423 Case with prejudice and without costs. Counsel for the defendants in the 423 case has informed me that they have no objection to this request.

If Your Honor would prefer that the parties follow a different procedure to effectuate the dismissal, we are of course available at the Court's convenience to discuss same.

Respectfully submitted,

Cary B. Samowitz

cc: Counsel for Defendants in the 423 Case (via ECF)

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close Case No. 15 Civ. 423.

Dated: June 5, 2017
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE